

REMARKS

Claim Status:

Claims 1-5 are pending. By this response, claims 1-3 have been amended and claims 4-5 have been added.

The present invention, as recited in claim 1, is directed to a system for providing a complex gambling environment based on the application of electronic data transfer in a mobile phone network with automated data processing, the system comprising:

a mobile phone station associated with a participant;

a mobile phone network provider having a gambling credit system;

a gambling provider having a gambling system and a prize and winnings accounting system,

wherein the mobile phone station is connected with the gambling credit system of the mobile phone network provider and with the gambling system of the gambling provider; and also comprising:

a single-purpose single-action gambling voucher for establishing a gambling credit amount into the gambling credit system.

Claim Objections:

Claims 1-3 were objected to because of the following alleged informalities: Claim 1 is objected to for the reasons of form, punctuation and grammar, such that the claim appears to be a run-on sentence and does not utilize correct punctuation. Applicant has amended claims 1-3 to place them in better form, thereby obviating these objections.

Claim Rejections - 35 U.S.C. 112:

Claims 2-3 were rejected under 35 U.S.C. 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1-3 to provide sufficient antecedent bases, thereby obviating these rejections.

Claim Rejections – 35 U.S.C. 102:

Claims 1-3 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by WIPO International Publication Number WO 01/03786 A1 of Dutton (hereafter "Dutton").

Amended claim 1 recites, among other things, a single-purpose single-action gambling voucher for establishing a gambling credit amount into the gambling credit system.

Dutton fails to disclose that "a single-purpose single-action gambling voucher is used for establishing a gambling credit amount into the gambling credit system." At most, Dutton discloses "the player may fund the player's lottery account 52 [sic, 82], e.g., by direct payment to the gaming authority, using a pre-paid telephone card, or via the Internet by an electronic commerce transaction ... by which funds are securely transferred electronically to the player's lottery account 82 from another account such as the player's bank account" (Page 8, lines 2-9.) "Pre-paid telephone cards" or "electronic commerce transactions" are not "single-purpose single-action gambling vouchers." Thus, as Dutton fails to disclose each and every element of claim 1, Dutton fails to anticipate claim 1.

Amended claim 3, which depends from claim 1, further recites, among other things, that the prize and winnings accounting system:

- is connected with the gambling credit system and the system is configured for permitting a transfer of the prize amount onto the gambling credit,
- is connected with a calling credit system and the system is configured for permitting a transfer of the prize amount onto a calling credit, and
- is connected with a bank and the system is configured for permitting a transfer of the prize amount onto an account of the participant at the bank.

Claim 3 requires that the prize and winnings accounting system be connected with a gambling credit system, a calling credit system and a bank. Dutton discloses “the player’s winnings may be posted to the player’s lottery account 82 or the player’s wireless service provider account 52” (Page 9, lines 15-17.) Significantly, Dutton fails to disclose that the player’s winnings may be posted to a bank account. In other words, although Dutton may disclose that a winning accounting system is connected to a lottery account and a service provider account, Dutton fails to disclose that a prize and winnings accounting system is connected with a bank.

Further, Dutton fails to disclose any system configured for permitting a transfer of a prize amount *from* a prize and winnings account *to* a bank account. First, as noted above, Dutton only discloses that the player’s winnings may be posted to the player’s lottery account 82 or the player’s wireless service provider account 52—there is no disclosure that the player’s winnings may be posted to a player’s bank account. Second, the Examiner’s indication that “inherently the structure is present to transfer amounts for the player’s account to their financial institutions” and subsequent discussion of debit card transactions is inapposite. The accounts, to which the Examiner refers for “inherent disclosure,” are the player’s lottery account or wireless provider account, not a prize and winnings account. Additionally, inherency requires that the element at issue must necessarily be present in the cited reference. “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result

from a given set of circumstances is not sufficient.” MPEP 2112, IV (citations omitted). Thus, despite the Examiner’s assertion that “the structure is present,” Dutton fails to disclose a system that is actually or inherently configured for permitting a transfer of the prize amount to a bank account. The mere fact that wired or wireless communication structure (hardware and software) exists for transferring funds *from* a bank account *to* a lottery or wireless account, is not an inherent disclosure that the system (hardware *and software*) is configured for transferring funds *to* a bank account *from* a prize and winning account.

As each and every element of claims 1-3 is not disclosed by Dutton, Applicant respectfully requests the withdrawal of the rejection of these claims under 35 U.S.C. 102(b) and the allowance of these claims.

New Claims:

New claims 4 and 5 depend from claim 1 and contain additional recitations thereto. Thus, for at least the above reasons, claims 4 and 5 are not anticipated by Dutton.

Applicant respectfully submits that claims 1-5 are allowable, and sincerely requests action to that effect.

Respectfully submitted,

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